

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Re patent application of: BEYERSDORFF, et al

Serial No.: 10/070,823

Filed: March 11, 2002

For: INSERTION INSTRUMENT FOR AN
INTERVERTEBRAL IMPLANT

Examiner:

Art Unit: 3738

Docket #: P06795US00/MP

COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

SIR:

Attached is:

- a response after Final Rejection dated
- a response to the Office Action dated
- ☒ a Replacement Third Preliminary Amendment
- a Petition for an extension of time
- Other:

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JUN 18 2003

TECHNOLOGY CENTER R3700

Fees: For claims if required and/or other fees as shown below:

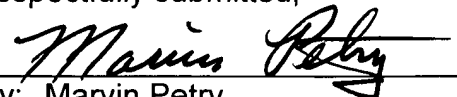
	NOW	Previously Paid For	Present Extra	Rate	\$
TOTAL CLAIMS	70	70		X \$ 18 =	
INDEP. CLAIMS	11	11		X \$ 84 =	
TOTAL OF ABOVE CLAIMS FEES =					
Reduction by ½ for small entity status of applicant					
SUBTOTAL =					
Fee for extension of time (per attached Petition)					
Other fee for					
TOTAL OF ALL FEES =					0

☒ A check in the amount of \$0 is enclosed. If no check or an insufficient check is enclosed and a fee is due in connection herewith, the Commissioner is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 12-0555.

☒ In the event that a petition for extension of time is required to be submitted herewith and that a separate petition is not submitted herewith, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized above.

Respectfully submitted,

Date: June 14, 2003



By: Marvin Petry

Registration No.: 22752

LARSON & TAYLOR, PLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314



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7. Patent

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REPLACEMENT THIRD PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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S I R:

On September 5, 2002, Applicants submitted a Third Preliminary Amendment which amended certain claims. However, it has now been noted that the claim numbering was incorrect. Please disregard the previously submitted Third Preliminary Amendment and replace it with the amendments to the claims as set forth herein as set forth in Attachment A.

IN THE CLAIMS

A complete listing of all claims is provided herewith in **Attachment A**. It will be noted that claims 32, 33, 43, 44, 57, 64, 68, 70, 72, 73, 74, 78, 79 and 80 are currently amended.

REMARKS

Certain of the new claims filed May 15, 2002 have now been revised or clarified in order to more clearly recite the patentable features of the present invention in accordance with all requirements of 35 U.S.C. § 112.